

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

PHILIP DALLMANN,

Defendant.

**Application for
Order of Continuance**

22 Mag. 8465

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.
SOUTHERN DISTRICT OF NEW YORK)

JANE CHONG, pursuant to 28 U.S.C. §1746, hereby affirms the truth of the following under penalties of perjury:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A). This is the first order of continuance that has been sought in this case.

2. The defendant was charged in a complaint, dated October 21, 2022, with violating Title 18 United States Code, Sections 1343 (wire fraud), 1029(a)(5) (unauthorized use of access device), and 1028A (aggravated identity theft). On October 24, 2022, the defendant was arrested, and on October 26, 2022, he was presented remotely before Magistrate Judge Robert W. Lehrburger and released on bond. Following the initial presentment, defense counsel waived his client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 21 days of the initial appearance. Accordingly, under the Speedy Trial Act, the Government has until November 24, 2022 within which to file an indictment or information. The defendant is being represented by Assistant Federal Defender Martin Cohen.

3. Defense counsel and I are engaged in discussions concerning a possible disposition. Those discussions have not been completed, and we plan to continue our discussions, but we do not anticipate a resolution before the deadline under the Speedy Trial Act expires on November 24, 2022.

4. Therefore, the Government is requesting a 30-day continuance until December 26, 2022, to continue the foregoing discussions. Defense counsel consented to this request by email on November 22, 2022.

5. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.

Dated: New York, New York
November 22, 2022



JANE CHONG
Assistant United States Attorney
(917) 763-3172